

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

JOSHUA D. BRIGGS,

Plaintiff,

v.

OREAN YI, *et al.*,

Defendants.

Case No. 3:22-cv-00265-SLG

**ORDER RE REQUEST FOR RECONSIDERATION OF ORDER GRANTING
PARTIAL SUMMARY JUDGMENT**

Before the Court at Docket 74 is Plaintiff Brigg's *Request for Reconsideration of Order Granting Partial Summary Judgment*. The Court has reviewed the request and declines to reconsider its order, as the Court is not persuaded that it made a manifest error of law. Of note, the Court finds that one of the cases Plaintiff cites, *Miller v. City of Excelsior, Minnesota*, 618 F. Supp. 3d 820 (D. Minn. 2022), is inapposite. That case, and the other cases it cites, involved ordinances that prohibited all unpermitted amplified sound that can be heard at the property line from where the sound emanates. In invalidating the ordinance, the district court noted that "[m]ost problematically, the ordinance's reach is not limited to loud, raucous, or disturbing soundIt forbids amplified sound of just about any audible volume." The district court added it would thus extend to a person's

use of a cell phone's speaker feature while walking on the sidewalk.¹ Here, in contrast, the ordinance applies only to noise that is "loud enough to inhibit the ability of the average person in the same place to converse freely without leaving the public place."²

Accordingly, the motion to reconsider at Docket 74 is DENIED.

DATED this 28th day of August, 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

¹ *Miller*, 518 F. Supp. 3d at 835.

² AMC 8.30.129(B)(2).